

**REMARKS**

This is in response to the Office Action mailed October 5, 2004, in which a restriction was raised, the specification and the drawings were objected to and claims 1-4 were rejected. The Office Action suggested eight species. The Office Action objected to the specification and the drawings due to typographical errors. The Office Action rejected claims 1-4 as being anticipated under 35 U.S.C. 102(b) by DeBruyn (4,720,198).

Applicant confirms its provisional election of species 6, however the Applicant traverses its election on the ground that the suggested species are not patentably distinct. "The reasons relied upon . . . for holding that the inventions are either independent or distinct should be stated. A mere statement of conclusion is inadequate. The reasons upon which the conclusion is based should be given." MPEP § 816. The Office Action does not state any reason why the suggested species are patentably distinct or why the restriction is proper.

For generic claims, a restriction requirement is improper. MPEP § 809.02(d). In this application, claims 1-4 are generic, with each claim covering all of the suggested species 1-8. Claim 1 includes a plurality of elements and a plurality of bearings. Each of the suggested species 1-8 includes a plurality of arms and/or knuckles (which are elements (Application, Page 11, Line 1)) and a plurality of bearings, so claim 1 covers all of the suggested species, and is therefore generic. Claim 2 includes a wall plate, a mount plate and a linkage with a bearing. Each of the suggested species 1-8 includes a wall plate, a mount plate and a linkage with at least one bearing, so claim 2 covers all of the suggested species, and is therefore generic. Claim 3 includes a wall plate, a mount plate and a linkage with two bearings. Each of the suggested species 1-8 includes a wall plate, a mount plate and a linkage with at least two bearings, so claim 3 covers all of the suggested species, and is therefore generic. Claim 4 includes a wall plate, a mount plate and a linkage with a bearing that has a spindle, bore and force means. Each of the suggested species 1-8 includes a wall plate, a mount plate and a linkage with at least one bearing that has a spindle, bore and force means, so claim 4 covers all of the suggested species, and is therefore generic. Claims 1-4 are generic, the restriction requirement is improper and therefore should be withdrawn. MPEP § 808, 821.01.

Applicant has amended the specification to correct the typographical errors identified in the Office Action. Applicant proposes its own amendment for the first typographical error in the specification, and submits the suggested amendments for the other typographical errors in the specification identified in the Office Action. Applicant also submits an Amendment to Drawings Under 37 C.F.R. § 1.121(d), which includes an amended drawing sheet five to correct the typographical error in Figure 3C identified in the Office Action.

If an invention was patented in the United States more than one year prior to the date of an application for patent, then the applicant's invention is anticipated and not entitled to a patent. 35 U.S.C. 102(b). For anticipation under 35 U.S.C. 102(b), the prior art patent must teach every aspect of the claimed invention. MPEP § 706.02, IV. In this application, claims 1-4 each claim an embodiment with an adjustable drag tapered bearing. The rejection of claims 1-4 is based, in part, on the assertion that the DeBruyn bearing in the cited '198 patent is an adjustable drag tapered bearing, however the DeBruyn bearing is not an adjustable drag tapered bearing and the rejection of claims 1-4 should therefore be withdrawn.

The DeBruyn bearing is not an adjustable drag tapered bearing because it does not provide adjustable drag pivotal movement. The DeBruyn bearing is always a "free-running" bearing ('198 patent, Col. 1, Line 39; Col. 2, Line 34; Col. 4, Line 30) because of its "precision . . . fit" ('198 patent, Col. 2, Line 34) and its "sealed-in lubrication." ('198 patent, Col. 1, Line 48.) The DeBruyn bearing's fit and lubrication are set during its assembly and cannot be changed. ('198 patent, Col. 3, Line 40-Col. 4, Line 54.) The DeBruyn bearing is always free-running and does not provide adjustable drag pivotal movement. Therefore, the DeBruyn bearing is not an adjustable drag tapered bearing.

Because the DeBruyn bearing is not an adjustable drag tapered bearing, the '198 patent does not teach every aspect of claims 1-4. Therefore, claims 1-4 are patentable and the rejection under 35 U.S.C. 102(b) should be withdrawn. Applicant respectfully requests that the examiner withdraw the rejection under 35 U.S.C. 102(b) and allow claims 1-4.

Applicant has also amended the application by adding new claims 5-18.

**CONCLUSION**

Applicant has attempted in earnest to address each issue raised in the Office Action of October 5, 2004. In view of the foregoing, Applicant requests notice of allowability for all pending claims 1-18.

The Commissioner is authorized to charge any additional fees associated with this paper or credit any overpayment to Deposit Account No., 11-0982.

Respectfully submitted,

KINNEY & LANGE, P.A.

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By: Michael J. Pape  
Michael J. Pape, Reg. No. 45,971  
THE KINNEY & LANGE BUILDING  
312 South Third Street  
Minneapolis, MN 55415-1002  
Telephone: (612) 339-1863  
Fax: (612) 339-6580

MJP:CRW:kmm

**AMENDMENTS TO THE DRAWINGS**

Applicant has enclosed an Amendment to the Drawings under 37 C.F.R. § 1.121(d) with the submission of one (1) sheet of corrected formal drawings for filing in the above-identified application. Page 5/38, featuring FIG. 3, is submitted with the following changes: Reference numeral 22 has been changed to 24 on FIG. 3C.